



## **APPEALS HEARING BOARD**

**THURSDAY, JANUARY 28, 2016**

Evening Session 6:30 p.m.  
Council Chambers, City Hall

200 E. Santa Clara Street  
San Jose, California

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**David Parker, Chair**  
**Ron Cabanayan, Vice Chair**  
**Rajwant Bains     Andrew Ditlevsen**  
**Timothy Kenny     Karen Parsons**  
**Robyn Shearin**

**Harry Freitas, Director**  
Planning, Building and Code Enforcement

**Availability of Public Records.** All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at 200 E. Santa Clara Street at the City Clerk's Office, at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Karla Cáceres at 408-535-7720) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

## **NOTICE TO THE PUBLIC**

Good evening, my name is David Parker and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of December 10, 2015.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of January 28, 2016.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

**AGENDA**  
**ORDER OF BUSINESS**  
**6:30 PM SESSION**

**1. ROLL CALL AND OPENING REMARKS**

**2. APPROVAL OF MINUTES**

- a. Recommendation: Approval of minutes for December 10, 2015.

**3. REQUESTS FOR DEFERRALS**

**4. PUBLIC HEARINGS CONSENT CALENDAR**

**Notice to the public:** There will be no separate discussion of Consent Calendar hearing as they are considered to be routine by the Appeals Hearing Board and will be adopted by one motion. If a member of the Board, staff, or public requests discussion on a particular item, the item will be removed from the Consent Calendar and considered separately.

**a. 721 SOUTH 2<sup>ND</sup> STREET (472-17-022) SUMMARY ABATEMENT**  
(Tony Gonzalez, Inspector/ Ninfa M. Castaneda “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure four (4) door openings, three (3) window openings, two (2) garage side door openings, and one (1) garage roll up door opening to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

**b. 2421-2423 CLYDA DRIVE (484-39-069) SUMMARY ABATEMENT**  
(Tony Gonzalez, Inspector/ Bank of New York Mellon “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure one (1) front door opening to 2421 Clyda Drive, two (2) garage side door openings, and two (2) garage roll up door openings to prevent unauthorized access.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

- c. **539 NORTH 8<sup>TH</sup> STREET (249-36-002) SUMMARY ABATEMENT**  
(Carolyn Slezak, Inspector/ Mario Burnias and Liliana Osequera “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure ten (10) windows, two (2) doors, and missing parts of exterior walls at the basement levels, along with two basement access stairs to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

5. **DEFERRED AND/OR CONTINUED ITEMS**
6. **PUBLIC HEARINGS**
7. **REQUEST FOR EXCUSED ABSENCE**
8. **OTHER BUSINESS**
9. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**
10. **ADJOURNMENT**

Next Board Meeting: February 11, 2016.